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October 16, 2024

BY ECF

Hon. Paul G. Gardephe
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *United States v. Arthur Bogoraz*, 22 Cr. 19 (PGG)

Dear Judge Gardephe:

The parties respectfully write to notify the Court that following the September 16, 2024 evidentiary hearing that the Court held in this matter, we have again conferred in good faith, and the Government consents to Mr. Bogoraz's withdrawal of the plea of guilty that he entered in this case on January 16, 2024. Based on the facts set forth during the parties' September 16, 2024 evidentiary hearing, the Government agrees that prior counsel for Mr. Bogoraz provided constitutionally ineffective assistance of counsel to the defendant under the standard set forth in *Strickland v. Washington*, 466 U.S. 668 (1984). The Government agrees that in anticipation of Mr. Bogoraz's withdrawal of his January 16, 2024 plea of guilty, the Government is re-extending to Mr. Bogoraz the October 2023 plea offer that was the subject of the evidentiary hearing, which has a five-year statutory maximum sentence, and Mr. Bogoraz has informed the Government that he is prepared to accept this plea offer. The re-extended plea offer will differ in one respect from the offer extended in October 2023, and that is that the plea agreement will reflect Mr. Bogoraz's commitment not to ask the Court for a custodial sentence below the five-year statutory maximum.

MAX
NICHOLAS LLC

In light of the parties' agreement, the parties respectfully request that the Court schedule a conference at which Mr. Bogoraz can withdraw his prior plea of guilty and immediately thereafter enter a plea of guilty pursuant to the re-extended October 2023 plea offer.

Respectfully submitted,

/s/ Max Nicholas

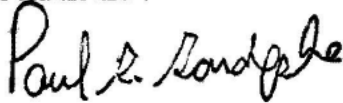
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DAMIAN WILLIAMS

United States Attorney

MEMO ENDORSED: A change-of-plea hearing will take place in this matter on **October 24, 2024 at 2:00 p.m.**

SO ORDERED.



Paul G. Gardephe
United States District Judge

Date: October 17, 2024

By: /s/
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